

Serial No.: 10/729,114

Confirmation No.: 3162

Filed: 5 December 2003

For: WOUND DRESSINGS AND METHODS

Remarks

The Office Action mailed January 4, 2010 has been received and reviewed. Claims 1, 19, and 20 having been amended herein, claims 3, 4, and 13 having been previously cancelled, claims 29 and 30 having been cancelled herein, without prejudice, and no claims having been added, the pending claims are claims 1, 2, 5-12, and 14-28. Reconsideration and withdrawal of the rejections are respectfully requested.

Support for the amended claims can be found throughout Applicants' specification, and specifically at, for example at, page 3, line 27 to page 4, line 2, page 19, lines 3-10, and page 20, lines 21-23. Entry and consideration of the claim amendments are requested.

Double Patenting Rejection

Claims 1, 2, 5-12, and 14-30 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-8, 11-19, 21-26, 60, 75-78, 82-84, 88-94, 97-101, and 103-107 of copending U.S. Pat. Appl. Ser. No. 10/728,577, and claims 94 and 96-117 of copending U.S. Pat. Appl. Ser. No. 10/728,439. Claims 29 and 30 having been cancelled, these rejections are rendered moot. With regard to the remaining rejected claims, upon an indication of otherwise allowable subject matter and in the event this rejection is maintained, Applicants will provide an appropriate response.

The 35 U.S.C. §112, First Paragraph Rejection

Claims 1, 2, 5-12, and 14-30 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 29 and 30 having been cancelled, these rejections are rendered moot. With regard to the remaining rejected claims, although Applicants do not agree, and reserve the right to present arguments at a later date (e.g., in a continuing application), the claims have been amended, thereby rendering this rejection moot. This has been done solely in the interest of expediting prosecution.

Reconsideration and withdrawal of the rejection are requested.

The 35 U.S.C. §103 Rejections

The Examiner rejected claims 1, 2, 5-8, 12, 14-18, 20, 21, and 23-30 under 35 U.S.C. §103 as being unpatentable over EP 0512855 (Cilento et al.) in view of WO 2002/066087 (COLOPLAST A/S; Lykke). The Examiner rejected claims 9-11, 19, and 22 under 35 U.S.C. §103 as being unpatentable over EP 0512855 (Cilento et al.) in view of WO 2002/066087 (COLOPLAST A/S; Lykke) in view of “SALCARE® SC95” by Ciba®. Claims 29 and 30 having been cancelled, these rejections are rendered moot. Independent claims 1, 19, and 20 having been amended, these rejections are rendered moot. Insofar as the rejections apply to the presently pending claims, they are respectfully traversed.

There is no teaching or suggestion in the combination of documents of a wound dressing comprising an apertured liquid permeable substrate and an absorbent, nonadherent polymer composition coated on or impregnated in the substrate; wherein the wound dressing includes substrate apertures that are unobstructed by the polymer composition; and wherein the absorbent, nonadherent polymer composition comprises: a hydrophobic organic polymer matrix; 1 wt-% to 60 wt-% hydrophilic organic microparticles, which when in a nonhydrated form have an average particle size of 10 microns or less; and mineral oil; wherein the polymer matrix, microparticles, and mineral oil are present in the polymer composition in an amount effective to render the composition sufficiently nonadherent such that when coated on a substrate the nonadherent polymer composition displays a 180° peel strength from stainless steel of less than 1 N/cm.

The combination of Cilento et al. and COLOPLAST does not teach or suggest Applicants' invention. The Cilento et al. patent is directed to a wound filler described as a “doughy mass” (see, for example, page 3, line 56 and page 5, line 46) or a “dough-like mass” (see, for example, page 4, line 31). The wound filler includes a polymer matrix that is sponge-like or includes a network of polymeric stretchable fibers. The polymeric matrix is a stretchable, elastic, sponge-like network (see, for example, page 2, lines 50-53). It is formed into a “flexible sheet or slab” (see, for example, page 3, line 57). There is no teaching or suggestion that this doughy mass could be coated on or impregnated into an apertured substrate to form a wound

dressing, wherein the wound dressing includes substrate apertures that are unobstructed by the polymer composition. There is no teaching or suggestion in the cited documents how one would apply the “doughy mass” of Cilento et al. to an apertured substrate and not block or obstruct the apertures.

Although Cilento et al. disclose the use of mineral oil in combination with particles, the particles are not of the size claimed. Although COLOPLAST mentions the use of mineral oil and microparticles in adhesive compositions, there is no teaching or suggestion of nonadherent compositions including mineral oil and hydrophilic organic microparticles.

Significantly, because the Cilento et al. patent is directed to a filling material, one of skill in the art would not want to, or need to, coat it on or impregnate it into an apertured substrate. In fact, Cilento et al. teach away from such an embodiment: “[G]auze and other fibrous materials have the disadvantage in that when new tissue is formed, in the process of healing, it engulfs the fibers of these materials and it is torn when the material is removed causing wound injury on removal” (see, for example, page 2, lines 12-14). Thus, the purpose of Cilento et al. is to develop a product that is placed directly into a wound and is not coated on or impregnated into a substrate.

Reconsideration and withdrawal of these rejections are respectfully requested.

Amendment and Response

Page 10 of 10

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Summary

It is respectfully submitted that all of the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of May 2010.

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